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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1982
No. 82-255

PARK PLACE, INCORPORATED,
Petitioner
-vs-
CITY OF CLEVELAND, et al.,
Respondents

ON PETITION FOR A WRIT OF CERTIORARI
To the United States Court of Appeals
For the Sixth Circuit

RESPONDENTS BRIEF IN OPPOSITION

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ATTORNEYS FOR RESPONDENTS
CITY OF CLEVELAND, et al.

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1982
NO. 82-255

PARK PLACE, INCORPORATED,

Petitioner

-vs-

CITY OF CLEVELAND, OHIO,

MARY VODICKA,

Director of Port Control,
Acting Commissioner of
Cleveland Hopkins International Airport,

Respondents

RESPONDENTS BRIEF IN OPPOSITION TO
PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

QUESTION PRESENTED

Whether the court below correctly held that the City of Cleveland could constitutionally charge Park Place, Inc.,

a higher permit fee than other businesses which make less use of and have fewer privileges in their use of City airport facilities?

STATEMENT OF THE CASE

Petitioner Park Place, Inc. ("Park Place") is in the business of providing an off airport parking site for Cleveland, Ohio's, city airport. As is necessary to the operation of such a business, Park Place employs a fleet of shuttle buses to make frequent and continuous passenger trips between the airport and Park Place's parking facility. In addition to its heavy use of airport facilities, Park Place also has greater parking and phone privileges than do hotels,

motels, and cab companies that provide less frequent and casual airport service.

For this greater use and additional privileges, the Respondent City of Cleveland (Cleveland), by ordinance, charged Park Place a higher permit fee than was charged the more casual users.

Park Place objected to the higher fee.

On stipulated facts the trial court entered summary judgment for Cleveland. The Court of Appeals for the Sixth Circuit agreed that this higher permit fee was constitutionally permissible.

REASONS FOR DENYING THE WRIT

All judges who have reviewed the stipulated facts in this case have unanimously concluded there is no denial

of equal protection or violation of the Commerce Clause. These judges are correct. New Orleans v. Duke, 427 U.S. 297 (1976); Toye Bros. Yellow Cab Co. v. Irby, 305 F. Supp. 911 (E.D. La. 1969), aff'd 437 F. 2d 806 (5th Cir. 1971).

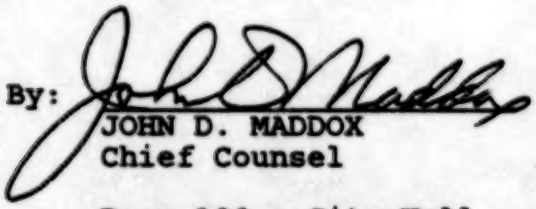
The constitutional principles of business regulation arising in this case were settled long ago and were correctly applied by the courts below.

CONCLUSION

The petition for writ of certiorari should be denied.

Respectfully submitted,

JAMES E. YOUNG
Director of Law

By: 
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